HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 11410 of 2007

Dated 02.08.2007

Between:

Mudomanasu Ademma.

...Petitioner

and

The Assistant Divisional Engineer and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 11410 of 2007

O R D E R:

The husband of the petitioner was assigned an extent of Ac.0.85 cents of land in Survey No.1620/2 of Chennampalli Revenue Village. The village has since been merged in Badwel Municipality.

The total extent of Survey No.1620 is Ac.1.62 cents. It was sub-divided into Survey No.1620/1 (Ac.0.47 cents) and Survey No.1620/2 (Ac.1.15 cents). The Gram Panchayt Office of Chennampalli was constructed partly in Survey No.1620/1 and partly in Survey No.1620/2. Since the Gram Panchayat has been merged in the Municipality, the office building has been made over to the second respondent-Dairy. After taking the possession of the same, the second respondent dug a bore-well adjoining it. A transformer was also erected. The petitioner complains that the respondents have encroached into her land of Ac.0.85 cents in Survey No.1620/2.

The second respondent filed a counter affidavit with certain enclosures. It is stated that the bore-well was dug in the land handed over to it by Badwel Municipality and the District Collector, Kadapa and no part of the land of the petitioner was encroached.

The petitioner filed a reply, refuting the contents of the counter affidavit.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned counsel for respondents 1 and 2.

The extent of Survey No.1620/2 is Ac.1.15 cents. It is not as if the husband of the petitioner is the assignee of the entire extent. If the Ac.0.85 cents of land assigned to the petitioner's husband is excluded, there still remains Ac.0.30 cents of land. The Gram Panchayt building is said to have been constructed partly in this Survey Number and partly in the adjoining Survey No.1620/1.

Since there existed some dispute as to the boundaries and claims of the petitioner, on the one hand, and second respondent, on the other, the Tahsildar, Badwel Mandal, got surveyed the land. A Report, dated 13.06.2007 and a sketch are filed before this Court. The petitioner is not able to state as to what exactly are the boundaries of her land in Survey No.1620/2.

The records would naturally indicate the portion of the land that was assigned to the petitioner's husband. In case, any part of the land, so assigned or handed over to the petitioner's husband, is encroached upon, the petitioner can certainly put forward her claims. For this purpose, survey in accordance with the provisions of the Survey and Boundaries Act needs to be undertaken.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to make an application to the competent authority for undertaking survey and localization of the land assigned to her husband in Survey No.1620/2. In case, it emerges that any land, which was assigned to the husband of the petitioner, was encroached by the second respondent, necessary corrective steps shall be taken by respondents

herein. There shall be no order as to costs.

02.08.2007

JSU